

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

NEW YORK, NY

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

FACSIMILE

(202) 342-8451

www.kelleydrye.com

(202) 342-8400

BRAD E. MUTSCHELKNAUS

DIRECT LINE: (202) 342-8539

EMAIL: bmutschelknaus@kelleydrye.com

July 14, 2008

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *In the Matter of Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix and Seattle Metropolitan Statistical Areas, WC Docket No. 07-97*

Dear Ms. Dortch:

I write to you on behalf of XO Communications, Covad Communications Group, and NuVox Communications in connection with the “public interest” analysis in the context of the consolidated proceedings referenced above. Qwest Corporation (“Qwest”) has asked the Commission to forbear from enforcing its Section 251(c)(3) unbundling rules with respect to its incumbent local exchange network facilities in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas (“MSAs”). Forbearance is sought pursuant to Section 10 of the Communications Act of 1934, as amended.<sup>1</sup> The record is filled with statistics and debate regarding the level of competition faced by Qwest in the four MSAs at issue. Rigorous analysis of the data filed certainly is required, but it is critical to keep in mind the statutory mandate in Section 10(a) that forbearance may be granted *only* if the Commission affirmatively determines that forbearance is “consistent with the public interest.”<sup>2</sup>

Unlike many other statutes where a “public interest” standard lacks any concrete definition, in this instance Section 10(b) actually informs the Commission on what Congress intended to constitute a public interest finding in the context of consideration of forbearance petitions.<sup>3</sup> Specifically, the statute specifies that in determining whether forbearance is in the

<sup>1</sup> 47 U.S.C. Sec. 160.

<sup>2</sup> 47 U.S.C. Sec. 160(a).

<sup>3</sup> 47 U.S.C. Sec. 160(b).

Marlene H. Dortch, Secretary  
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public interest the Commission shall consider whether ceasing to enforce the requirements at issue “will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services.”<sup>4</sup> The subsection goes on to emphasize that the Commission may grant forbearance only where it “determines that such forbearance will promote competition among providers of telecommunications services.”<sup>5</sup>

The touchstone for public interest findings in the context of a forbearance analysis expressly is the promotion and enhancement of “competition.” It does not relate to “fairness,” “hardship” or similar notions of equity to the petitioner. Although those concepts may be relevant to rulemaking proceedings or consideration of waiver requests, they are simply irrelevant in determining whether the requirements of Section 10 have been met. In this proceeding, Qwest’s own submissions show that service to the mass market remains at best a duopoly,<sup>6</sup> a condition that the Commission has time and again rejected as adequate competition.<sup>7</sup> With respect to the enterprise market, various competitive local exchange carriers (“CLECs”) have filed extensive data showing that they are dependent upon the availability of cost-based unbundled network element (“UNE”) loops for the provision of competitive telecommunications services in each of the four MSAs under investigation.<sup>8</sup> Competitors have filed both individual company data and aggregated industry-wide information compiled by GeoResults that demonstrate CLECs connect to a *de minimis* portion of commercial buildings with their own loop facilities, that there is no viable wide-scale wholesale alternative to the lease of loop facilities from Qwest, and that Qwest’s non-cost based special access prices for channel termination facilities are much too high to enable new entrants to compete.<sup>9</sup>

Although competitive carriers have made clear the necessity of continued availability of UNE facilities for them to compete effectively, in this proceeding the Commission has been further informed by valuable input from the state Public Utility Commissions (“State Commissions”) with regulatory oversight responsibility in each of the four states covered by the Qwest forbearance applications. Each of these State Commissions is responsible in their respective states for both regulating the market power of Qwest and fostering the growth of

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Letter from Genevieve Morelli, *et al.*, to Marlene H. Dortch, Secretary Federal Communications Commission, WC Docket No. 07-97, at 10 (filed Apr. 24, 2008).

<sup>7</sup> *Id.* at 6.

<sup>8</sup> *Id.* at 19.

<sup>9</sup> See Letter from Brad E. Mutschelknaus, *et al.*, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-97 (filed Apr. 23, 2008).

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competitive telecommunications. The State Commissions are literally “on the ground” with respect to the four MSAs at issue. Accordingly, the State Commissions are able to observe market conditions and predict the effect of Qwest forbearance in the four MSAs at issue first hand.

Critically, all four State Commissions have concluded that a grant of the Qwest forbearance petitions would not promote competition within their borders. On the contrary, each of the four State Commissions have informed the Commission that forbearance would actually have the reverse effect, and undermine their efforts to foster competition in the four MSAs subject to the Qwest petitions. The Washington Utilities and Transportation Commission (“Washington UTC”), for example, explained that competitive carriers in the Seattle MSA are dependent upon the availability of UNE loops to offer competitive services on a wide-scale there.<sup>10</sup> The UTC pointed out that it had granted streamlined regulation of its retail services based upon its understanding that CLECs could compete with Qwest at the retail level by purchasing wholesale last-mile facilities from Qwest at cost-based UNE rates.<sup>11</sup> Forbearance from application of the UNE rules in the Seattle MSA, according to the UTC, would undercut the foundation and delicate balance of its past decisions granting retail deregulation.<sup>12</sup>

Similarly, the Minnesota Public Utilities Commission (“Minnesota PUC”) stated that there is very little facilities-based (*i.e.* non-UNE reliant) competition in the enterprise services market in the Minneapolis-St. Paul MSA.<sup>13</sup> Indeed, the PUC reported that CLEC-owned loops connect to fewer than 0.3 percent of commercial buildings there, and serve fewer than 3 percent of commercial lines.<sup>14</sup> Based on its observation of a failed forbearance experiment in the Omaha MSA, the PUC expressed concern that similar forbearance relief in the Minneapolis-St. Paul market could cause many CLECs to withdraw from the Minneapolis-St. Paul market.<sup>15</sup> The Arizona Corporation Commission (“ACC”) told much the same story. It reported that no CLECs have networks that could provide facilities-based services to a significant portion of business customers in Phoenix.<sup>16</sup> Like the Minnesota PUC, the ACC observed that Qwest has failed to

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<sup>10</sup> Comments of the Washington Utilities and Transportation Commission, WC Docket No. 07-97, at 3 (filed Aug. 29, 2007).

<sup>11</sup> *Id.* at 3-6.

<sup>12</sup> *Id.* at 3.

<sup>13</sup> Ex Parte Comments of the Minnesota Public Utilities Commission, WC Docket No. 07-97, at 6 (filed Feb. 8, 2008).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 8-9.

<sup>16</sup> Initial Comments of the Arizona Corporations Commission, WC Docket No. 07-97, at 6 (filed Aug. 31, 2007).

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make reasonably priced wholesale loop facilities available in Omaha since forbearance was granted there, and expressed a concern that a repeat in the Phoenix MSA could cause a decline in competition there.<sup>17</sup>

The Colorado Public Utilities Commission ("Colorado PUC") described much the same experience. It reported that no CLEC has ubiquitous network facilities in Denver, and that CLECs are dependent upon the availability of UNEs for last-mile connections there.<sup>18</sup> The PUC said that the lack of facilities-based competition is especially pronounced in the enterprise market, and that most wire centers in the Denver MSA have no facilities-based provider at all.<sup>19</sup> In each case, the State Commission opposed the grant of forbearance in its state, fearing that a loss of cost-based last-mile loop facilities could derail fragile retail level competition.

Although the findings and recommendations of the State Commissions with regulatory responsibility in the affected markets certainly deserve special credence, it is worth noting that many other public officials and public interest groups have registered their opposition to the Qwest applications, expressing a concern that the grant of forbearance would materially reduce competitive activity in the four MSAs at issue. They include:

Arizona State Attorney General's Office  
Members of the Arizona House of Representatives and Senate<sup>20</sup>  
City of St. Paul, Minnesota  
Consumer Federation of America  
Consumers Union  
Educause  
Free Press  
Greater Metro Telecommunications Consortium (Denver)  
Media Access Project  
Minnesota Association of Telecommunications Administrators  
Minnesota State Attorney General's Office  
Minnesota State Senator Richard Cohen  
National Association of Telecommunications Officers and Advisors (NATOA)  
National Association of State Utility Consumer Advocates (NASUCA)  
New America Foundation

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<sup>17</sup> *Id.* at 20.

<sup>18</sup> Comments of the Colorado Public Utilities Commission, WC Docket No. 07-97, at 13 (filed Aug. 31, 2007).

<sup>19</sup> *Id.* at 23.

<sup>20</sup> Copies of these documents are appended to this letter as Attachment A.

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New Jersey Division of Rate Counsel  
Public Knowledge  
U.S. Public Interest Research Group  
Washington State Attorney General's Office  
Washington Independent Business Association

The common theme from these public officials and public interest advocates – most of whom are positioned to witness first hand the actual market conditions in the four MSAs under review – is that grant of the requested forbearance would likely reduce the level of competitive activity.<sup>21</sup> They certainly do not believe – as a Section 10 “public interest” finding requires – that approving Qwest’s applications would “enhance” and “promote” “competition between providers of telecommunications services” as specified in Section 10(b). Since such a determination is a precondition to making a public interest finding under Section 10(a), we respectfully submit that Qwest cannot satisfy the public interest prong of the statutory test for forbearance, and each of its applications must be denied.

Respectfully submitted,

**XO COMMUNICATIONS, LLC  
COVAD COMMUNICATIONS GROUP  
NUVOX COMMUNICATIONS**

By:



Brad E. Mutschelknaus  
Genevieve Morelli  
KELLEY DRYE & WARREN LLP  
Washington Harbour  
3050 K Street, N.W., Suite 400  
Washington, D.C. 20007  
202-342-8400 (phone)  
202-342-8451 (facsimile)

<sup>21</sup>

The views of these public officials and public interest advocates are shared by numerous small businesses in the four MSAs at issue. *See* Letter from Gary Smith, *et al.*, Executive Director, Independent Business Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-97 (filed Sept. 26, 2007).

# **ATTACHMENT A**

KIRK ADAMS  
1700 WEST WASHINGTON, SUITE H  
PHOENIX, ARIZONA 85007-2844  
CAPITOL PHONE: (602) 926-5495  
CAPITOL FAX: (602) 417-3019  
TOLL FREE: 1-800-352-8404  
kadams@azleg.gov



DISTRICT 19 - MESA

## Arizona House of Representatives Phoenix, Arizona 85007

COMMITTEES:  
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JOINT LEGISLATIVE BUDGET  
COMMITTEE

May 6, 2008

Senator John McCain  
U.S. Senate  
Senate Russell 241  
Washington, DC 20510

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area - WC Docket No. 07-97*

Dear Senator McCain:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, and is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law, filed comments urging the FCC to deny Qwest's request for forbearance relief. Among the concerns raised by the Commission was Qwest's overstatement of the extent of competition that currently exists in both the residential and business telephone markets in Phoenix. Where sufficient competition exists to restrain Qwest's ability to unilaterally raise its competitors' costs by increasing the rates for necessary wholesale inputs, forbearance from access and price regulation might be warranted. If forbearance is granted prematurely, however, I am concerned that competitive communications service providers may exit, or decline to enter, the Phoenix market. Two years ago, the FCC granted Qwest relief in Omaha, Nebraska from the same federal regulatory requirements that it is seeking in Phoenix and, from what I understand, competitors have both left the Omaha market and abandoned plans to enter the market. I do not want to see the same thing happen in Phoenix.

I believe that all Phoenix residents benefit to the extent that communications service providers compete for their business because competition tends to engender better pricing and more innovative services. I also believe, like the Arizona Corporation Commission, that the public interest would be served and consumers protected by retaining in place the market-opening provisions of the Telecommunications Act. I urge you to let the FCC know that telephone competition is important to Phoenix and that it should deny Qwest relief from its obligations under the Telecommunications Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kirk Adams".

Kirk Adams  
Arizona State Representative  
Legislative District 19

KA/kb

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Phoenix, Arizona 85007

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May 6, 2008

Senator Jon Kyl  
U.S. Senate  
Senate Hart 730  
Washington, DC 20510

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Senator Kyl:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Legislative District 19

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May 6, 2008

Congressman Rick Renzi  
U.S. House of Representatives  
418 Cannon HOB  
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Renzi:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Legislative District 19

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May 6, 2008

Congressman Trent Franks  
U.S. House of Representatives  
1237 Longworth HOB  
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Franks:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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PHOENIX, ARIZONA 85007-2844  
CAPITOL PHONE: (602) 926-8495  
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May 6, 2008

Congressman John Shadegg  
U.S. House of Representatives  
306 Cannon HOB  
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Shadegg:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the Federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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PHOENIX, ARIZONA 85007-2844  
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May 6, 2008

Congressman Ed Pastor  
U.S. House of Representatives  
2465 Rayburn HOB  
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Pastor:

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Arizona State Representative  
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COMMITTEE

May 6, 2008

Congressman Harry Mitchell  
U.S. House of Representatives  
2434 Rayburn HOB  
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Mitchell:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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I believe that all Phoenix residents benefit to the extent that communications service providers compete for their business because competition tends to engender better pricing and more innovative services. I also believe, like the Arizona Corporation Commission, that the public interest would be served and consumers protected by retaining in place the market-opening provisions of the Telecommunications Act. I urge you to let the FCC know that telephone competition is important to Phoenix and that it should deny Qwest relief from its obligations under the Telecommunications Act.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kirk Adams", written in a cursive style.

Kirk Adams  
Arizona State Representative  
Legislative District 19

KA/kb

KIRK ADAMS  
1700 WEST WASHINGTON, SUITE H  
PHOENIX, ARIZONA 85007-2844  
CAPITOL PHONE: (602) 926-5495  
CAPITOL FAX: (602) 417-3019  
TOLL FREE: 1-800-352-8404  
kadams@azleg.gov

DISTRICT 19 - MESA



Arizona House of Representatives  
Phoenix, Arizona 85007

COMMITTEES:  
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INSURANCE, VICE-CHAIRMAN  
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EDUCATION AND NATURAL  
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JUDICIARY

JOINT LEGISLATIVE BUDGET  
COMMITTEE

May 6, 2008

Congressman Jeff Flake  
U.S. House of Representatives  
240 Cannon HOB  
Washington, DC 20515

Re: *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Flake:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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JOINT LEGISLATIVE BUDGET  
COMMITTEE

May 6, 2008

Congressman Raul Grijalva  
U.S. House of Representatives  
1440 Longworth HOB  
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Grijalva:

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**Arizona House of Representatives**  
**Phoenix, Arizona 85007**

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JOINT LEGISLATIVE BUDGET  
COMMITTEE

May 6, 2008

Congresswoman Gabrielle Giffords  
U.S. House of Representatives  
502 Cannon HOB  
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congresswoman Giffords:

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**SENATOR THAYER VERSCHOOR**  
Senate Majority Leader  
ARIZONA STATE SENATE  
DISTRICT 22  
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**COMMITTEES:**

Rules – Vice-Chairman  
Health  
Financial Institutions,  
Insurance and Retirement

## Arizona State Senate

May 7, 2008

Senator John McCain  
U.S. Senate  
Senate Russell 241  
Washington, DC 20510

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Senator McCain:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Senator Thayer Verschoor  
Senate Majority Leader  
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman  
The Honorable Michael J. Copps  
The Honorable Jonathan S. Adelstein  
The Honorable Deborah Taylor Tate  
The Honorable Robert M. McDowell

**SENATOR THAYER VERSCHOOR**  
Senate Majority Leader  
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DISTRICT 22  
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**COMMITTEES:**

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Insurance and Retirement

## Arizona State Senate

May 7, 2008

Senator Jon Kyl  
U.S. Senate  
Senate Hart 730  
Washington, DC 20510

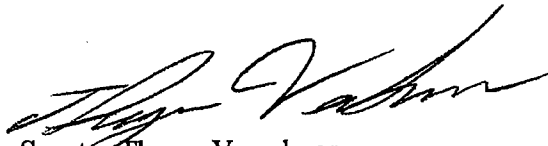
*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Senator Kyl:

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Senator Thayer Verschoor  
Senate Majority Leader  
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman  
The Honorable Michael J. Copps  
The Honorable Jonathan S. Adelstein  
The Honorable Deborah Taylor Tate  
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**SENATOR THAYER VERSCHOOR**

**Senate Majority Leader**

ARIZONA STATE SENATE  
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**COMMITTEES:**

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Health  
Financial Institutions,  
Insurance and Retirement

*Arizona State Senate*

May 7, 2008

Congressman John Shadegg  
U.S. House of Representatives  
306 Cannon HOB  
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47  
U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Representative Shadegg:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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**COMMITTEES:**

Rules – Vice-Chairman  
Health  
Financial Institutions,  
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May 7, 2008

Congressman Ed Pastor  
U.S. House of Representatives  
2465 Rayburn HOB  
Washington, DC 20515

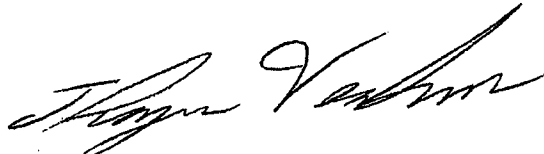
*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Representative Pastor:

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Senator Thayer Verschoor  
Senate Majority Leader  
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman  
The Honorable Michael J. Copps  
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**Senate Majority Leader**

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**COMMITTEES:**

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Health

Financial Institutions,

Insurance and Retirement

*Arizona State Senate*

May 7, 2008

Congresswoman Gabrielle Giffords

U.S. House of Representatives

502 Cannon HOB

Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congresswoman Gabby Giffords:

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May 7, 2008

Congressman Raul Grijalva  
U.S. House of Representatives  
1440 Longworth HOB  
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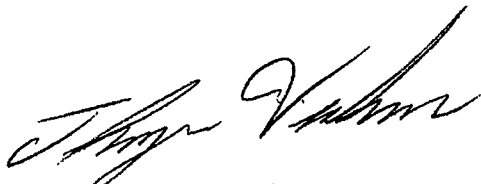
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The Honorable Deborah Taylor Tate  
The Honorable Robert M. McDowell

**SENATOR THAYER VERSCHOOR**

**Senate Majority Leader**

ARIZONA STATE SENATE  
DISTRICT 22  
SENATE BUILDING Suite 212  
1700 W WASHINGTON  
PHOENIX, ARIZONA 85007-2890  
PHONE (602) 926-4136  
TOLL FREE 1-800-352-8404, Ext. 4136  
FAX (602) 417-3220  
E-MAIL [tverschoor@azleg.gov](mailto:tverschoor@azleg.gov)



*Arizona State Senate*

**COMMITTEES:**

Rules – Vice-Chairman  
Health  
Financial Institutions,  
Insurance and Retirement

May 7, 2008

Congressman Jeff Flake  
U.S. House of Representatives  
240 Cannon HOB  
Washington, DC 20515

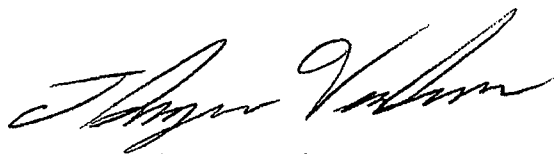
*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Representative Flake:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

The Arizona Corporation Commission, which regulates Qwest's operations in the State of Arizona, and is responsible for implementing the market-opening provisions of the Telecommunications Act as prescribed by federal law, filed comments urging the FCC to deny Qwest's request for forbearance relief. Among the concerns raised by the Commission was Qwest's overstatement of the extent of competition that currently exists in both the residential and business telephone markets in Phoenix. Where sufficient competition exists to restrain Qwest's ability to unilaterally raise its competitors' costs by increasing the rates for necessary wholesale inputs, forbearance from access and price regulation might be warranted. If forbearance is granted prematurely, however, we are concerned that competitive communications service providers may exit, or decline to enter, the Phoenix market. Two years ago, the FCC granted Qwest relief in Omaha, Nebraska from the same federal regulatory requirements that it is seeking in Phoenix and, from what we understand, competitors have both left the Omaha market and abandoned plans to enter the market. I do not want to see the same thing happen in Phoenix.

I believe that all Phoenix residents benefit to the extent that communications service providers compete for their business because competition tends to engender better pricing and more innovative services. I also believe, like the Arizona Corporation Commission, that the public interest would be served and consumers protected by retaining in place the market-opening provisions of the Telecommunications Act. I urge you to let the FCC know that telephone competition is important to Phoenix and that it should deny Qwest relief from its obligations under the Telecommunications Act.

A handwritten signature in black ink, appearing to read "Thayer Verschoor", written in a cursive style.

Senator Thayer Verschoor  
Senate Majority Leader  
Arizona State Senate

Cc: The Honorable Kevin J. Martin, Chairman  
The Honorable Michael J. Copps  
The Honorable Jonathan S. Adelstein  
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Health

Financial Institutions,

Insurance and Retirement

*Arizona State Senate*

May 7, 2008

Congressman Harry Mitchell  
U.S. House of Representatives  
2434 Rayburn HOB  
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47  
U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Representative Mitchell:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Senate Majority Leader  
Arizona State Senate

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*Arizona State Senate*

May 7, 2008

Congressman Trent Franks  
U.S. House of Representatives  
1237 Longworth HOB  
Washington, DC 20515

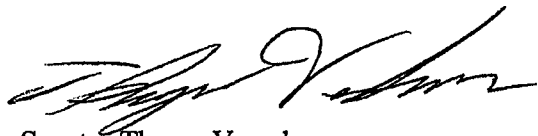
*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Franks:

I am writing to alert you to a proceeding currently pending at the Federal Communications Commission in which Qwest Corporation is attempting to use a provision of the federal Telecommunications Act of 1996 to obtain sweeping deregulation of its telephone services in the Phoenix market (FCC Docket WC 07-97). Section 10 of the Telecommunications Act authorizes the FCC to forbear from enforcing provisions of the statute and FCC regulations if it finds that those provisions and regulations are no longer necessary to ensure that prices and terms of service are just and reasonable, to protect consumers or to promote and enhance competition.

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Arizona State Senate

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Health  
Financial Institutions,  
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May 7, 2008

Congressman Rick Renzi  
U.S. House of Representatives  
418 Cannon HOB  
Washington, DC 20515

*Re: In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area – WC Docket No. 07-97*

Dear Congressman Renzi:

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